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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/680,349

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Aaron T. Jones

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EXAMINER

COBURN, CORBETT B

ART UNIT

PAPER NUMBER

3714

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/680,349

Applicant(s)

JONES, AARON T. *CW*

Examiner

Corbett B. Coburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 11-48 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-48 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Applicant has objected to Examiner's proposal for a new title, but has failed to suggest an alternative. The current title so broad that it fails to provide a description of what Applicant regards as the invention.

The following title is suggested: Context Sensitive Help For Gaming Machines That Provides Paytable Information Concerning A Game Symbol When The User Selects The Symbol On The Display.

Claim Objections

2. Claim 13 objected to because of the following informalities: Claim 13 appears to be missing verbs. It appears that the limitation "wherein displaying at least one payable includes a plurality of paytables" should read, "wherein displaying at least one payable includes displaying a plurality of paytables". Additionally, the phrase, "and the step of sequencing said paytables" is superfluous and makes the claim difficult to decipher. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

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regards as the invention. Claim 18 depends from itself. Examiner assumes it should depend from Claim 17.

Claim Rejections - 35 USC § 103

5. Claims 1-8, 11-24, 26-32 & 34-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heidel et al. (US Patent Number 5,342,047) in view of Lemay (*Web Publishing in HTML 4*, Dec 1999) and Fey (*Slot Machines, A Pictorial History of the First Hundred Years*, 1983).

Claims 1, 3, 4, 7, 11, 42, 43-46: Heidel teaches a game controller (50); a display device (12) attached to the controller and controlled thereby; at least one reel (Fig 2A) displayed on the display device; and at least one symbol displayed on the reel. The controller causes the display device to display randomly generated symbols. There is a means (touch screen) connected to the controller for selecting a symbol. (See Fig 1.) The touch screen is a digital input device. There is a payable display (18) for the symbol stored in memory. (Fey teaches the traditional appearance of the payable.) Heidel teaches displaying the payable but does not teach displaying it when the player selects a symbol. Selection of a control to display a payable is well known to the art.

Hyperlinked, context sensitive help is well known in the art. (Lemay, pp 10-11) HTML is a language that can be used to create hyperlinks. A hyperlink is a link between one document and another that the user can use by selecting the link. Hyperlinks allow the user to gain information (i.e., one of the plurality of displays) about a particular subject at a touch of a button or icon (i.e., symbol). This makes it faster and easier for a user to gain information. The less time spent

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searching paytables, the more time spent gambling. This leads to greater profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed payable information about a particular symbol when it was chosen by a player via a hyperlink in order to quickly provide information to the player so that the player doesn't have to spend time searching the paytables and can spend more time gambling – thus increasing casino profits.

Claim 2: Fig 2A shows a plurality of symbols on a plurality of wheels.

Claim 5, 8: Heidel teaches displaying a payable, but does not teach the form of the payable. Fey teaches traditional form of a payable. As clearly shown in the picture of the Fey 1899 Liberty Bell slot machine, each symbol is associated with at least one payable display. This has been the industry standard for over a hundred years. It would have been obvious to one of ordinary skill in the art at the time of the invention to have each symbol associated with at least one payable display in order to be in line with industry standards.

Claim 6: Applicant's Specification, pages 3 & 4, discloses that it is well known in the art to have paytables that are too large to display on a single screen. These paytables obviously have a plurality of displays (screens of data). Equally obviously, each of these displays (screens of data) would contain different payable information from each of the other displays – it makes no sense to have duplicate pages of data.

Claims 12, 14, 19: Lemay teaches that HTML may be used to create context-sensitive help. This concept is notoriously well known in the digital computer art. Context sensitive help displays information (i.e., a portion of the payable)

concerning each selected symbol. Thus if there are a plurality of symbols, each would cause the display of a separate paytable.

Claim 13: Lemay teaches that one of the most commonly used HTML structure is the list. (p. 76) The display of a list is sequencing the display of items in the list according to a sequence contained in the controller.

Claim 15: One of the features of hypertext (HTML) is that a document may be reached by links from multiple places. (Lemay 45-47) Each of these plurality of links is a means for selecting a single display. Allowing a user to access information from multiple places cuts search time – thus leaving more time for gambling and increasing casino profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided a plurality of user-selectable links to a single display in order to cut search time – thus leaving more time for gambling and increasing casino profits.

Claims 16, 17, 32: Heidel teaches a touch screen and a plurality of push buttons for selecting symbols. (Abstract) Cursors, joysticks, mice, light pens, light detectors, rollers, remote controls, etc. are **NOTORIOUSLY** well known equivalents.

Claim 18: Heidel teaches a plurality of symbols (each card) and a separate selector (buttons 32a-e) for each of the plurality of symbols.

Claims 20-24, 26-31, 40, 41, 47 & 48: These claims are drawn to the contents of the paytables displayed. Features such as bonus triggers, scatter pay, multipliers, and substitute information are well known to the art. Obviously, the payable information displayed would reflect the information in the games payable, and,

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for games having these well-known features, would contain information concerning these features. Obviously, the paytable would show all winning combinations of the symbol and all awards associated therewith.

Claim 34, 37, 38, 39: Heidel teaches a gaming device with a plurality of reels (16a-e) and a plurality of symbols on the reels. There is a display device (12) for displaying said reels and symbols and a touch screen (Fig 3, 12) connected to the display device for enabling a player to select at least one of said symbols. There is a paytable display (18) for at least one of said symbols and a processor (50) operable to cause the display device to display the paytable display for said symbol. Heidel does not teach displaying the paytable information for a symbol when the symbol is selected by the player.

Hyperlinked, context sensitive help is well known in the art. (Lemay, pp 10-11) HTML is a language that can be used to create hyperlinks. A hyperlink is a link between one document and another that the user can use by selecting the link. Hyperlinks allow the user to gain information (i.e., one of the plurality of displays) about a particular subject at a touch of a button or icon (i.e., symbol). This makes it faster and easier for a user to gain information. The less time spent searching paytables, the more time spent gambling. This leads to greater profits. It would have been obvious to one of ordinary skill in the art at the time of the invention to have displayed paytable information about a particular symbol when it was chosen by a player via a hyperlink in order to quickly provide information to the player so that the player doesn't have to spend time searching the paytables and can spend more time gambling – thus increasing casino profits.

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Claims 35 & 36: Context sensitive help provides help on a specific topic. In order to implement context sensitive help for a gaming machine's symbols, it would be necessary to have a separate payable for each of the plurality of symbols.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heidel, Lemay & Fey as applied to claim 1 above, and further in view of Giobbi et al. (US Patent Number 6,155,925).

Claim 25: Heidel, Lemay & Fey teach the invention substantially as claimed, but do not teach displaying the payable on a secondary video display. Heidel teaches displaying a payable in a separate area (18) on a video display (12). Fey clearly shows a payable shown on a separate display, but the display is not a video display. Giobbi has a secondary video display (20) that is adapted to display payable information. Displaying payable information on a video display allows the payable (and thus the gaming machine) to be more easily updated. It would have been obvious to one of ordinary skill in the art at the time of the invention to have the payable displayed on the secondary display in order to increase the ease in which the gaming machine may be updated.

7. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heidel, Lemay & Fey as applied to claim 13 above, and further in view of Victor et al. (US Patent Number 5,363,482)

Claim 33: Heidel, Lemay & Fey teach the invention substantially as claimed but do not teach the step of sequencing said paytables according to a sequence contained in said controller includes a timed sequential display of each of said

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paytables. Victor teaches displaying data in a sequence in a timed sequential display. (Col 4, 57-61) This allows a number of screens to be presented without user intervention. It would have been obvious to one of ordinary skill in the art at the time of the invention to have sequenced said paytables according to a sequence contained in said controller includes a timed sequential display of each of said paytables in order to present a number of screens of data without user intervention..

Response to Arguments

8. Examiner has thoroughly reviewed all arguments submitted on 11 December 2002 and finds them unpersuasive.

9. Applicant argues that there is no motivation to combine the references and that doing so involves impermissible hindsight. Further, Applicant argues that Heidel always shows the payable so it would not be faster to display the payable when a symbol is selected. Then, the Applicant submits a declaration that indicates that paytables have become so complex and lengthy that it is virtually impossible to show the entire payable on a single screen. Applicant also argues that only "gaming machine" technology may be used to address problems in the "gaming machine" art. In other words, Applicant is making a series of piecemeal arguments that fail to address the issue as a whole.

10. Let us examine the matter as a whole.

11. As so well described in the specification and in Mr. Jones' Declaration, paytables have become more complex in response to demand for higher payoffs and the adoption of the digital computer to provide the processing power necessary to implement these complex games. It has become virtually impossible to display these paytables on a single

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display. And, even if the payable can be displayed on a single screen, there is so much data that the player cannot assimilate it all without considerable study. The last thing a casino wants is for the player to stand in front of the machine studying the paytables – the casino wants the player to play. There is a need to simplify the display of the paytables in order to give the player what he needs and only what he needs. Examiner recognizes that this need exists.

12. What Examiner cannot agree with is the idea that Lemay's suggestion of context-sensitive help is nonanalogous art. Context sensitive help is extremely well known in the computing arts. It is a well-recognized solution to the problem presented. The art is replete with examples of programs with context sensitive help in which selection of symbol cause information regarding that symbol to be displayed. Context sensitive help is ubiquitous.

13. Furthermore, the Internet surrounds us. Virtually every facet of human endeavor has been touched by the Internet. Certainly, the Internet has become an important part of the gaming industry. During the last few years, there have been innumerable gaming machine patented that involve the Internet. Assignee of the instant application holds a number of such patents. Yet Applicant contends that it would not occur to one of ordinary skill in the art to apply basic techniques of Internet publishing to the problem of displaying what is essentially a list or table. This contention does not stand up to scrutiny.

14. No technology is an island. Nor can Applicant's choice of names for a technology limit the technology that is related to the problem to be solved. Applicant may choose to stress that the invention involves a "gaming machine", but that does not

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change the fact that the “gaming machine” is nothing more or less than a digital computer. At one level, the problem to be addressed is how to efficiently display payable information on a gaming machine. But on another level, the problem is how to efficiently display textual data on a digital computer. Surely, one of ordinary skill in the art would be able to make such a small conceptual step – especially when confronted with the problem and its solution (context sensitive help and hyperlinks) on a daily basis.

15. The declaration under 37 CFR 1.132 filed 11 December 2002 is insufficient to overcome the rejection of claims 1-15 based upon 35 USC §103 as set forth in the last Office action because:

16. It refer(s) only to the system described in the above referenced application and not to the individual claims of the application. Thus, there is no showing that the objective evidence of nonobviousness is commensurate in scope with the claims. See MPEP § 716.

17. It states that the claimed subject matter solved a problem that was long standing in the art. However, there is no showing that others of ordinary skill in the art were working on the problem and if so, for how long. While there is evidence that Sigma has developed a SMART TOUCH system that has the same function, it appears that this was suggested to them by someone who knew about the present invention. In addition, there is no evidence that if persons skilled in the art who were presumably working on the problem knew of the teachings of the above cited references, they would still be unable to solve the problem. See MPEP § 716.04.

18. In view of the foregoing, when all of the evidence is considered, the totality of the rebuttal evidence of nonobviousness fails to outweigh the evidence of obviousness.

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Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Reference Name	US Patent Number	Applicability
Hoeber et al.	5,157,768	Context Sensitive Help
Nicol et al.	5,287,448	Context Sensitive Help
Medl et al.	6,209,006	Context Sensitive Help
Dobashi et al.	5,687,333	Context Sensitive Help
Nielsen	6,373,502	Context Sensitive Help
Dazey et al.	5,715,415	Context Sensitive Help

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



cbc
March 21, 2003



S. THOMAS HUGHES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700